

FILED
Date _____
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Comm. Amdt. _____

Amendment No. 1 to SB0517

**Jackson
Signature of Sponsor**

AMEND Senate Bill No. 517

House Bill No. 672*

By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 71-5-103, is amended by deleting subdivision (7) in its entirety and substituting instead the following language:

(7) "Mobile dental services" means an intact comprehensive mobile dental services unit operated on-site at a long-term care facility, interfacing with the facility's common electrical and water sources, and capable of providing routine dental treatment services required for the facility to comply with 42 CFR Chapter IV, Part 483 – Requirements for States and Long Term Care Facilities - Subpart B, Section 483.55, requiring dental services including an annual inspection of the oral cavity for signs of disease, diagnosis of dental disease, dental radiographs as needed, dental cleaning, fillings (new and repairs), minor dental plate adjustments, smoothing of broken teeth, and limited prosthodontic procedures, including but not limited to, taking impressions for dentures and fitting dentures as well as emergency dental services including services needed to treat an episode of acute pain in teeth, gums, or palate; broken or otherwise damaged teeth, or any other problem of the oral cavity, appropriately treated by a dentist that requires immediate attention.

SECTION 2. Tennessee Code Annotated, Section 71-5-140(a), is amended by inserting the language "under the annual state plan" between the words "shall also be authorized" and the words "and made from such total income".

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SECTION 3. Tennessee Code Annotated, Section 71-5-140(b), is amended by adding the following language as a new paragraphs:

The authorized deduction amount for services rendered at the office of a dentist to which the resident must be transported by the facility shall be limited in amount and scope of services by regulation promulgated by the department of TennCare.

The authorized services rendered by a mobile dental service provider on-site at the nursing home facility shall be those dental treatment services as determined necessary by the attending dentist within the scope of dental services as defined by the American Dental Association dental treatment service codes, exclusive of services determined to be cosmetic in nature. The authorized deduction for each dental treatment procedure shall not exceed the fee representing the ninety-fifty percentile for that ADA treatment code for the state of Tennessee as published in the Annual Rate Survey by the American Dental Association. However, the aggregate deduction for any one nursing home resident shall be limited to seven hundred fifty dollars (\$750) annually unless the authorization request is accompanied by a statement of medical necessity signed by the facility medical director of the resident's personal physician.

The annual limit shall increase on the first day of each succeeding calendar year by the greater of fifty dollars (\$50) or the percentage increase in the Consumer Price Index (CPI) over the prior year.

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In lieu of fee for service dental care deductions for eligible nursing home residents, a monthly deduction shall be allowed for the cost of an individual resident's dental case management and assessment services program provided by a qualified mobile dental service. The initial assessment shall be conducted within thirty (30) days of admission. The monthly deduction for case management services shall be valid for the duration of the resident's length of stay once authorized by the department of human services.

SECTION 4. Tennessee Code Annotated, Section 71-5-140(e), is amended by adding the following language between the first and second sentences:

Facility authorization under this provision must consist of a consent signed by the facility administrator and accompanied by a medical necessity form signed by the medical director of the facility or the resident's personal physician.

SECTION 5. Tennessee Code Annotated, Section 71-5-140(g), is amended by inserting the following language immediately preceding the last sentence:

In the event the responsible party fails to pay the dental service provider from the resident's funds within thirty (30) days after approval by the department of human services, the responsible party shall become legally liable for payment of those funds to the mobile dental service provider including interest thereon. The mobile dental service provider shall report the non payment to the appropriate investigative agency for the department of human services if such payment is not paid within sixty (60) days.

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SECTION 6. Tennessee Code Annotated, Section 71-5-140, is amended by adding the following language as a new, appropriately designated subsection:

(h) If a resident who has received dental treatment by a mobile dental service provider expires, and an income deduction authorization is received by the facility subsequent thereto, the facility is authorized and directed to pay the authorized amount directly to the mobile dental service provider and not the responsible party for the deceased resident.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.